

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Deborah V. Hubbard,)	Civil Action No. 8:14-2664-BHH
<i>a/k/a Deborah Videtto Hubbard,</i>)	
<i>a/k/a Deborah Hubbad-Sarvis</i>)	
)	
Plaintiff,)	ORDER AND OPINION
)	
vs.)	
)	
Amelia Williams, Lt. T. Bookman,)	
)	
Defendants.)	
)	

Plaintiff Deborah V. Hubbard (“the plaintiff”), proceeding *pro se*, brought this action pursuant to Title 42, United States Code, Section 1983. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial handling and a Report and Recommendation (“Report”).

This matter is before the Court on the plaintiff’s motion to dismiss without prejudice which was filed on April 3, 2015. (ECF No. 50.) The defendant filed a response in support on April 7, 2015. (ECF No. 51.) On April 10, 2015, Magistrate Judge Austin issued a Report recommending that the plaintiff’s motion to dismiss without prejudice (ECF No. 50) be granted, the plaintiff’s motion for permanent injunction (ECF No. 28) be found as moot, and the complaint be dismissed without prejudice. (ECF No. 53 at 2.). The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences for failure to do so. (ECF No. 53-1.) Neither party filed objections, and the time for doing so expired on April 27, 2015.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final

determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED without prejudice. All other pending motions are denied, *without prejudice*, as moot.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

May 7, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.